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THE PROGRESS OF AMERICAN INDEPENDENCE.

A PAPER

READ BEFORE THE

NEW YORK HISTORICAL SOCIETY

TUESDAY, APRIL 2, 1889,

BY THE

HON. GEORGE S. BOUTWELL. *swall*



NEW YORK:
PRINTED FOR THE SOCIETY.
1889.



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AT a stated meeting of the New York Historical Society, held in its Hall, on Tuesday Evening, April 2, 1889,

The Hon. GEORGE S. BOUTWELL read the paper of the evening, on '*The Progress of American Independence.*'

On its conclusion the Librarian submitted the following resolution, which was adopted unanimously.

Resolved, That the thanks of the Society be and hereby are tendered to the Hon. GEORGE S. BOUTWELL, for the admirable address read this evening, and that a copy be requested for the Archives of the Society with permission to print.

Extract from the Minutes,

ANDREW WARNER,

Recording Secretary.

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THE PROGRESS OF AMERICAN INDEPENDENCE.

MY acquaintance with public assemblies has been too intimate to permit me to rest in the illusion that an historical subject can be presented attractively. It has, however, occurred to me that to those of us who participated in or were witnesses of the bloody contest through which the nation passed in the years 1861-2-3-4 and 5, an hour might be spent profitably in an examination into the nature of a struggle with which our own experience is intimately connected. The analogies of history are numerous and it is an advantage to trace them. There is not a chapter which does not light our own paths and illustrate the tendencies of our common nature. We may thus see the same passions developed in different ages, and distinct epochs marked by similar events. The spirit of tyranny in some and resistance to tyranny in others, slavery and the love of freedom are the characteristics of every age and people. In no country or age have these characteristics been more clearly exhibited than within the limits of the United States since the landing of the Pilgrims in 1620. The events which illustrate these characteristics may be comprehended in one phrase, *The Progress of American Independence*.

It is my purpose to pass in review the leading facts and events that occurred previous to the Revolutionary War which show or tend to show the growth and power of the spirit of independence; the development of that spirit, its influence in that memorable struggle, and I shall then ask you to consider the position of the American Republic in the

family of nations with some reference to our duties, and to our possibilities in the future.

In passing I hope to disabuse the public mind in some degree of the degrading error that the rate of taxation, whether burdensome or light, imposed by the British Parliament had any considerable part in producing the Revolutionary War.

And I trust that I may also do something in aid of a correct understanding of the theory of *representation* which was maintained by our ancestors in their contest with the King and Parliament of Great Britain. In pursuing this plan I purpose to note some of the facts in our colonial history calculated to illustrate our legal relations to the mother country, which I assume were relations of equality and not of political inferiority to the people of England.

It is an accepted opinion, common if not general, that as long as the British Parliament legislated wisely for the American Colonies the right was not questioned, and that the oppressive character of the Stamp Act and the tax acts from 1764 to 1774 led to the Declaration of Independence. The character of these acts contributed to the formal Declaration of July 4, 1776, but the principles of that Declaration had been before and often asserted. Moreover, the right of Parliament to legislate for the Colonies had been constantly denied from the first, although the authority of the king had never been questioned until he allied himself with the Parliament and aided that body in establishing its jurisdiction over America. The Declaration was against the king and one of the facts submitted to a candid world was this: "He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws: giving his assent to their acts of pretended legislation."

The common consent of men accords to the Declaration of American Independence the first place among the events which followed the discovery of this continent.

The adventurers from the South of Europe of the fifteenth, sixteenth, and even of the seventeenth centuries sought for fields of gold beneath skies of perpetual summer.

Of hardy enterprise there was but little, and of faith in the organization of great States there was none. Columbus had been a beggar at the foot of thrones for the necessary means for a voyage of discovery, and when the existence of the new world had been demonstrated a century passed before England established a single colony.

And even then the colonists went forth to lay the foundations of an Empire without the benediction of the mother country. It seems to have been the chief object of the king to secure a portion of the products of the mines to his own use and for this he stipulated in the charters which he granted.

The most erroneous ideas existed concerning the extent and character of this continent. The royal charters were wildly spread over vast territories from sea to sea and the early maps illustrate the ignorance of the settlers. At the commencement of the Revolutionary War the territory east of the Alleghanies and the Great Lakes had been explored, but the vast region to the West was unknown.

Colonization, as the basis of new and great States, was not the original idea of any European government, and the Colonies had their origin in the cupidity of rulers, the hope of gain through new channels of commerce and the unquenchable thirst for freedom in political and religious affairs. Of all the Colonies which constituted, finally, the thirteen States of this Union, one only, Georgia, received the aid of the Government.

The others were permitted, not established, oppressed, indeed, rather than encouraged. Massachusetts and Virginia seem to have early discerned the future greatness of America and they laid the foundations of its Empire when they asserted their political principles or resisted oppression. Said Dr. Franklin, in 1760, "I have long been of opinion that the foundations of the future grandeur and stability of the British Empire lie in America; and though like other foundations they are low and little now, they are nevertheless broad and strong enough to support the greatest political structure human wisdom ever yet erected."

And it was upon this idea of the future of England and America that Dr. Franklin acted when ten years later he sought to avert a separation through a system of representation in the British Parliament. Independence had a slow growth. For a century before it was declared it was predicted by a few, it was feared by some, but it was not even imagined as a possible event by the masses of England and America. The remote causes of American Independence are to be found in the recognized principles on which the British Government rested and in the origin and nature of the charters granted to the Colonies.

In 1764 when the open contest commenced which ended in Independence, England had been a limited constitutional monarchy for five and a half centuries.

In those twenty generations, by the labor, blood and sacrifices of her nobles and commons she had established a system or constitution which marked the limits of royal power, prescribed the duties of those in authority and measured and asserted the rights of the subject. Not always to be sure had the rights of the people been regarded, but even under the most tyrannical of the Tudors and profligate of the Stuarts they were remembered and in some manner asserted. As we shall see in America, so it was in England, oppression was the parent of liberty. Said the *New York Mercury* of 1764, "History does not furnish an instance of a revolt begun by the people which did not take its rise from oppression."

The same year that the English nobles extorted *Magna Charta* from their monarch a decree was obtained in the fourth Council of Lateran that "all heretics should be delivered over to the civil magistrate to be burned." The year 1215 is marked in the annals of freedom and in the annals of despotism. By the grant of *Magna Charta* the natural liberties of England obtained a degree of security and a basis was laid for the legal argument of our Fathers in support and defence of the Revolutionary War. And until this epoch the Papal Power had punished heresy with spiritual weapons only, but now it adopted the policy of heathen emperors and

introduced a system of persecution which during many years dishonored the annals of the Catholic and Protestant Churches. Happily those days are gone and their like can never again appear. But it might then have been doubted whether the power of *Magna Charta* for good was equal to that of the decree of the Council for evil. Time has solved the doubt in favor of freedom. *Magna Charta* is the foundation of the British Constitution and the precedent to which all who inherit, as a birthright, the principles of that Constitution, may safely appeal. It is well, however, to observe that the British Constitution, *Magna Charta* and all, rest upon the theory that every power resided originally in the monarch, and that the grants made to the people are but so many limitations of his prerogatives, while the modern American theory vests all power in the people who by their constitutions delegate such authority to their agents as may be exercised, safely, by them.

The principles of the two systems are opposed to each other, most strictly, but as applied by the people of the two countries they tend to the same result,—Popular Liberty.

It is the theory of the American system that the people retain in their own hands every power which might be used to deprive them of any natural right. Under the British system the people have sought to annul every prerogative which might be used against their liberties.

By *Magna Charta* King John agreed to have a common council of the kingdom to “assess an aid, or to assess a scutage” and the Declaration of Rights of 1688 asserted “that levying money for or to the use of the crown by pretence of prerogative without grant of Parliament for longer time or in any other manner than the same is or shall be granted, is illegal.”

These two acts, one a grant of privileges and the other a Declaration of Rights, were acknowledged by the monarchs and asserted by the people at various times and they were the chief security of every British subject against taxation without the consent of his representative. Our ancestors claimed to be British subjects although not living within the

Realm. This claim they supported by the language of their charters and by a reference to the relations of the Colonies to the sovereigns and to the Parliament of England for the period of a century and a half. The charter of Massachusetts provided that the inhabitants of the Colony and their children should have and enjoy all the liberties and immunities of free and natural subjects "as if they and every of them were born within the Realm of England."

Thus sustaining their birthright as British subjects they claimed the benefit of the principle of the British Constitution that there could be no taxation without representation. The ministry and the crown lawyers denied the propriety of a literal interpretation of the pledge contained in the charter and they contended that it was no more of a fiction to assert that America was represented by the English members than to say that Manchester or Birmingham was represented by the member for Malton. "Why," replied Otis, "why ring everlasting changes to the colonists on them? If they are not represented they ought to be. Every man of a sound mind should have his vote."

Of all the leading men of America, Otis and Franklin only, thought it desirable or practicable for the Colonies to be represented at Westminster. The popular will inclined to the doctrine of the charters, which as interpreted by the people, secured to each Colony a representative assembly in which the power of taxation was vested, exclusively. Resting upon their rights as British subjects the colonists claimed that America could be taxed only when and where she was represented, and that she could be represented only in her colonial assemblies. Their unanswerable argument in fact, though not in words was this: "If we are Britons we are entitled to the rights of Britons and we cannot be taxed by a body in which we are not represented. If we are not British subjects then plainly we are beyond the jurisdiction of either king or parliament." But they went still further, and while they claimed that they were the subjects of the king in his capacity as the hereditary ruler of the British Empire, they denied the jurisdiction of Parliament in all cases whatsoever. It is true

that for a time they asserted a distinction between internal and external taxation, but this distinction yielded, finally, to the force of the principle for which they were contending. Otis told the people of Boston that the distinction between inland taxes and port duties was without foundation, and "that the merchants were fools if they submitted any longer to the laws restraining their trade, which ought to be free."

There were three sorts of government in the Colonies, proprietary, royal and charter. The governments of Massachusetts, Rhode Island and Connecticut were of the latter sort and their charters were treated by the colonists as compacts between the king and his successors on the one part and the governors and their successors on the other part. The provisions of the charters were the terms of the respective compacts. By these terms the Parliament had no power over the Colonies either with reference to political privileges or to the civil rights and duties of the citizens or subjects. In fine the colonists went so far as to declare that they were unable to understand how the king or the English nation acquired any title to the lands described in the charters. They claimed that the title derived from the natives, sometimes by the colonies in their political character, and sometimes by the colonists individually, was the better title, but they maintained that if any title ever vested in the nation it was one of the prerogatives of the sovereign. And this doctrine is supported by the best writers upon the Constitution of England. According to the feudal tenure the king was the original proprietor of all the lands of the kingdom, and by that tenure he might dispose of them at his sovereign will.* In truth a large part of the English nobility held their lands under royal grants precisely as the colonists held theirs. It can be asserted with confidence that the right of the mother country, over the unoccupied lands of America, whatever that right was, resided in the king, and it followed, consequently, that the grants made by the monarchs to the colonists were in

* Lord Mansfield says "Jamaica from the very settling was an English Colony, *who* [sic] under the authority of the King planted a vacant island belonging to him in right of his crown." *Campbell v. Hall, Cowper's Rep. I. 204.*

strict conformity to the theory of and practice under the English Constitution previous to and during the seventeenth century.

On one occasion King James the First maintained his prerogatives against the claim of Parliament. The controversy arose upon a bill introduced into the House of Commons for regulating the American fisheries. "America," said the king, "is not annexed to the realm nor within the jurisdiction of Parliament; you have therefore no right to interfere." This doctrine so announced by the king became the basis of the logical and legal argument made by Samuel Adams in the name of the House of Representatives, of Massachusetts, in its memorable controversy with the Provincial Governors between the years 1764 and 1774. It is not to be understood, however, that this view was asserted or even accepted by all the Colonies, but there are very few facts in the history of New England inconsistent with the claim of independence of Parliament. The jurisdiction of the Parliament, said the New England Colonies, is confined to the English Realm. America is not within the Realm. As the king granted to you the right of legislation for the Realm of England so has he granted to us the right of legislation within and for our respective Colonies in America. As the king has granted to you lands within the Realm by the feudal tenure, so has he granted to us lands without the Realm and by the same tenure. As the conditions on which you hold your lands are expressed in *Magna Charta* the charter of British Liberties, so the conditions on which we hold our lands are expressed in our several charters which are the charters of American Liberties. As the king has agreed that he would not levy an aid nor assess a tax upon his subjects within the Realm without your consent, so he has agreed that he would not impose a tax upon his subjects in America without their consent in general assembly met. As the king has and had the right to cede a conquered territory without the consent of the Lords and Commons, so he had the right to convey to us the region which was acquired without any expense of blood and treasure to his British subjects. In fine that America is a part

of the dominions of the king of England and his successors and owes allegiance to him and them, but it is no more subject to the people and Parliament of England than the people and Parliament of England are to the king's Colonies in America.

These doctrines were not announced early nor perhaps ever as they may now be presented, but most of the Colonies, when not overborne by arbitrary power were in fact independent of Parliament. The Massachusetts Colony in one or two instances re-enacted a law of Parliament when it became apparent that it would be enforced. Thus they protested against the doctrine that Parliament had a right to legislate for the Colony. As early as 1634 the General Court of Massachusetts resolved that "none but the General Court hath power to make and establish laws, nor to elect and appoint officers, as also to set out the duties and powers of said officers." And again, that "none but the General Court hath power to raise money and taxes and to dispose of lands, viz., to give and confirm proprietaries." Says Winthrop in 1640, "Some of our friends wrote to us advising to send over some one to solicit for us in Parliament, giving us hopes that we might obtain much, but consulting about it we declined the motion for the consideration that if we should put ourselves under the protection of Parliament we should be subject to all such laws as they should make, or at least to such as they might impose on us; in which, if they should intend our good, yet it might prove very prejudicial to us."

In 1646 Massachusetts sent deputies to Acadia to make a treaty with D'Aulney the French Governor of that Province. The instructions say, "We therefore the governor, deputy governor, magistrates, and deputies, making the General Court of Boston, *wherein the supreme power and authority of this jurisdiction resideth.*"

In 1636 the Plymouth Colony resolved that no law was valid which had not received the assent of the body of free-men, "which is," said they, "according to the free liberties of the free born people of England."

In 1650 the Legislature of Maryland passed an act against raising money without the consent of the Assembly. The Assembly of Rhode Island re-enacted the words of *Magna Charta* ; Massachusetts, New York, and New Jersey asserted that they "could be touched by no act but of their own making," and the Assembly of New Jersey declared that the custom house duties were illegal and unconstitutional because imposed without its consent.

In 1661 the General Court of Massachusetts published a Declaration of Rights which was only less than a Declaration of Independence. They claimed the right to choose their own Governor, to admit freemen, to set up all sorts of officers, to exercise all powers, legislative, executive and judicial, to defend themselves by force of arms, to reject any royal or parliamentary imposition, prejudicial to the country and contrary to any just act of colonial legislation.

Again in 1678 the colony declared that "the Acts of Navigation were an invasion of the rights and privileges of the subjects of His Majesty in the colony, they not being represented in Parliament."

"The laws of England," said they, "do not reach America."

In 1765 the first Congress of the American Colonies declared "that it is inseparably essential to the freedom of a people and the undoubted rights of Englishmen that no taxes be imposed on them, but with their own consent, given personally or by their representatives ; that the colonies are not and from their local circumstances cannot be represented in the House of Commons in Great Britain ; that the only representatives of the people of these Colonies are persons chosen therein by themselves, and that no taxes ever have been or ever can be constitutionally imposed upon them, but by their respective legislatures."

In the same year said John Adams, "Be it remembered that liberty must at all hazards be supported. We have a right to it derived from our Maker." As the Colonies began so they ended—firm in their attachment to the principles of self-government. Nor will it be contended by any

reader of their history that the questions discussed in the revolutionary contest were new questions. Their policy was consistent from first to last. They acknowledged their allegiance to the King of Great Britain, but never for a moment did they admit the supremacy of the British Parliament. This position was announced, most distinctly, in the Declaration of Rights and Liberties adopted by Congress October 14, 1774, in which it is said "that the inhabitants of the English Colonies in North America, by the immutable laws of nature, the principles of the English Constitution, and the several charters and compacts have the following rights to wit: The right to life, liberty and property,—to the immunities of free and natural born subjects within the realm of England,—the exclusive right of taxation and the inestimable privilege of being tried by the peers of the vicinage according to the common law of England." They also declared that their rights had been violated by the presence of a standing army without their consent, and by the repeated attempts of Parliament to exercise jurisdiction over them. This manifesto was typical of the Declaration of Independence.

Thus from the system of feudalism were deduced those doctrines and principles of liberty which gave to the Colonies an historical, moral and legal claim to their independence, and it is also to be seen that the oppressions of the British king and Parliament led to the dissolution of the union with England and the organization of the American Republic. But there were men who rested not in the compact with kings, nor had faith in the arbitrary line between prerogative and popular rights. Said James Otis, with the voice of inspiration: "Liberty is the gift of God and cannot be annihilated. Old Magna Charta," said he, "was not the beginning of all things, nor did it rise on the borders of chaos out of the unformed mass. A time may come when Parliament shall declare every American charter void, but the natural, inherent and inseparable rights of the colonists will remain, and whatever becomes of charters can never be abolished till the general conflagration."

The attachment of the people to the crown was sincere, as sincere as their hostility to the claims of Parliament.

Said Franklin, "No people were ever known more truly loyal, and universally so as to their sovereigns; the Protestant succession in the House of Hanover, was their idol." Said Massachusetts a century before the bonds of union were broken finally, "Let our government live, our patent live, our magistrates live, our laws and liberties live, our religious enjoyments live, so shall we all have yet further cause to say from our hearts, let the king live forever."

The cause of America was the cause of mankind, and by wonderful forethought, perseverance and forbearance the cause was preserved for one hundred and fifty years until it was established finally by the Declaration of Independence.

If in any generation our fathers had faltered in their support of the principles of liberty, or if at any time they had yielded to the claims of England, the revolution would have lost the legal and moral support derived from a long and consistent defence of popular rights. During all that period the Colonies were charged with aiming at independence, and a few men no doubt saw the future greatness of America.

With them the union with England would cease to be a necessity. Mr. Comptroller Weare in a letter to a nobleman, written, it is supposed, about the year 1760, said of America, "Nor can the inhabitants fail of sufficient resources within themselves, when they shall be unanimously disposed to attempt independency. The people are collected from the several quarters of Europe and its arts and manufactories are daily and successfully introduced by them. The Atlantic Ocean washes nearly two thousand miles of their shore, and a communication is opened by vast lakes and many navigable rivers into an enormous continent, whence human industry will doubtless in time know how to draw all that may be farther wanting to commerce which from such a situation may well be extended throughout the world." And again he predicts that a thousand leagues distance from the eye and strength of the government will suggest to a people accustomed to more than British liberty the thought of setting up

for themselves ; and that every principal power in Europe will countenance a defection which whenever it happens must necessarily involve all the West India Islands. And he also expresses a fear that unless a different policy be adopted the northern colonies ripened by a few, a very few, more years to maturity, will, agreeably to nature's ordinary laws, drop off from that stock whence they originally sprung.

It cannot be doubted that it then appeared to the statesmen of England that the colonies aimed at independence, and the fear of this result was the origin of the effort to subject them to the authority of Parliament.

When we consider the distance of the Colonies from the mother country, the delays and perils of navigation in sailing vessels, the population and resources of the Colonies in 1760, and when we consider the experience of the colonists in Indian warfare and the hardships of frontier life, it would now seem that wisdom should have dictated an adjustment of the controversy by which the Colonies would have been connected with the Realm only by their allegiance to the crown.

The time had not arrived, however, when those who were accustomed to the exercise of power were willing to yield it to argument or to the demands of those who claimed by natural right.

For many years previous to 1770 the British Government maintained a spy in America named Chalmers. In one of his letters he asserts that the Colonies had a settled purpose to acquire direct independence throughout every reign from the epoch of the British revolution in 1688. Again he writes that in the time of Governor Winthrop the statute and common laws of England were no more regarded in Massachusetts than in Germany and France. Nor is his statement altogether false though tainted with prejudice when he says, Massachusetts "has extended her jurisdiction over the provinces of New Hampshire and Maine, upon such pretences as power will always find ; established a mint at Boston, which is everywhere erected by sovereignty alone ; and entered into treaties with foreign nations *who* (sic) sought her assistance since their weaker plantations feared her power."

One Major John Child published a pamphlet in 1647 called "*New England's Jonas Cast up in London.*"

Speaking of Winslow who was then the agent of Massachusetts in England, Child said: "Mark, reader, his great boasting that they are growing into a nation; high conceits of a nation breed high thoughts of themselves, which make them usually term themselves a state; call the people there their subjects; unite four governments together without any authority from the king and parliament, and then term themselves the United Colonies."

In 1711 Governor Hunter, of the New York Province, wrote thus: "Now the mask is thrown off:—The delegates have called in question the Council's share in the Legislature, trumped up an inherent right, declared the powers granted by His Majesty's Letters Patent to be against law and have but one short step to make towards what I am unwilling to name."

The London Board of Trade, established to check the spirit of independence declared that "the inhabitants are endeavoring to wrest the small remains of power out of the hands of the crown and to become independent of the mother country."

On the other hand the colonists denied with spirit the justness of these attacks upon their loyalty. The Congress of 1774 said in their address to the people of England: "You have been told that we are seditious, impatient of government and desirous of independency. Be assured that these are not facts, but calumnies." But the real issue was avoided. The British Government was engaged in the work of subjecting the colonies to the jurisdiction of Parliament, while the Colonies were denying and evading that jurisdiction while they asserted their loyalty to the sovereign; and it was only when the king lent himself to the policy of parliamentary supremacy that the colonists withdrew their allegiance to the crown.

By observing closely the principles on which the contest rested it will be seen that the acts of the colonists, which were construed by the British agents and ministry as acts of

independence, were but the natural results of the governments that the colonists had set up and which in their opinion were warranted by the charters that the sovereigns had granted.

They legislated for America, but at the same time they acknowledged their allegiance to the king. But this recognition was no evidence of a purpose to submit to the authority of Parliament. Naturally, however, the advocates of parliamentary supremacy charged the Colonies with aiming at independence.

We ought also to consider that from 1620 to 1770 a great change took place in England.

In the first era the House of Commons was destitute of authority comparatively. In the reigns of Henry the Eighth and of Elizabeth it had struggled for existence, but in the time of George the Third it had acquired the chief power of the realm. In the latter period the monarch had lost many of his prerogatives, some by a formal surrender, some by the Act of Settlement of 1688, and others had been silently relinquished from respect to the opinions of the people. We are to consider also that the opportunities for transatlantic communication were less frequent than they now are, and that neither party had an interest in seeking or making explanations while an issue could be avoided. From 1630 to 1760 each party pursued its own policy, not, however, without many and serious conflicts; but the extension of the colonial system, by the acquisition of Canada, precipitated events and compelled England to enforce its pretensions at any cost. Some of the writers of that day maintained that the annexation of Canada tended to the independence of the whole body of the American Colonies, while others asserted that the politic French minister, Vergennes, had a purpose of producing that result when he assented to the cession.

Dr. Franklin felt obliged to interfere, and with his accustomed ingenuity he refuted the alarmists, but the result showed that for once the philosopher was in the wrong. Dr. Franklin was a moderate man in his political opinions and he did not come early nor hastily into the plan of independence.

He thought that England, when hard pressed, would grant a right of representation in the imperial parliament, and this concession would have been satisfactory to him, although the arrangement would not have been accepted by the mass of his countrymen. It happened, however, that as early as 1765 he had doubts whether England would make any concessions, and in October, 1775, he regarded a separation as inevitable.

The controversy was further embarrassed by the manufacturing and commercial interests of the Colonies. Laws for the regulation of commerce were classed as external, and although the Colonies did not concede to Parliament the right to impose customs duties, they did submit to such impositions for periods of time and that without protest. Many of the laws of Parliament were, however, disregarded. Manufactures were encouraged by local legislation, regulations that tended to promote commerce were adopted, differential duties were laid in South Carolina, and shipbuilding was so encouraged and practised in the northern colonies that the carpenters upon the Thames complained to the government. Friends of America replied that the carpenters might as well complain of Bristol or Plymouth in England and thus the matter ended.

At the close of the French war England entered systematically upon a policy whose object was the establishment of the supremacy of Parliament over the Colonies of North America. For one hundred and thirty years this supremacy had been denied whenever the claim was presented. In that time manufactures and commerce, although borne down by the weight of legislative restrictions, had so increased as to arrest the attention of the ministry and the Board of Trade, and excite the prejudices of the laborers upon the Thames and in the manufactories. The population of the thirteen Colonies then estimated at two and a half million had doubled by natural increase every twenty-five years, and it was then certain that it would be largely augmented by immigration from Europe.

This population was better fed and better clothed

than the corresponding classes in England. The inhabitants of the Colonies had acquired great experience in the Indian wars, the siege of Louisbourg, and the invasion of Canada. Their bravery was unquestioned. The future greatness of America had been predicted, its natural resources had in a degree been unfolded.

England was burthened with debt and she thought that America might be compelled to contribute to its payment. The first question was this ; Has Parliament a right to legislate for America ? An affirmative answer suggested a second ; What shall be the character of that legislation ? In regard to the first question it ought not to have been expected that *ex parte* opinions, whether accompanied by a show of power or not, would lead to an amicable adjustment of the controversy. The only ground of hope was in negotiation and this appears not to have been thought of. England proceeded to legislate and upon the question of policy she made a most fatal mistake. With sole reference to her own interests she should have exercised the power that she assumed in the least offensive way. She should have so legislated that in equity no issue could have been made with her acts. But, on the contrary, guided, apparently, by an insensate lust of power she passed laws which would have kindled rebellion if the right of Parliament had been undisputed. For the purpose of aiding the officers in the collection of the revenue an old and obsolete law was revived under which writs, called writs of assistance, were granted.

By these writs the agents of the government were empowered to search ships, shops, houses and stores. They were in fact general search warrants. The first application was from the collector of the port of Salem, Massachusetts. The Court hesitated. The merchants employed Thatcher and James Otis to resist the application. The writ was granted, but the speech of Otis so excited the people that John Adams, fifty years afterwards, declared that " American Independence was then and there born." In the series of offensive laws first came the Stamp Act, then a declaration that Parliament had a right to legislate for the Colonies in all

cases whatsoever, then the act for shutting up the Port of Boston, then the act for altering the charter and government of Massachusetts Bay, an act for the better administration of justice, an act to establish the Roman Catholic religion in the Province of Quebec, an act for quartering the army upon the people, and various acts for raising a revenue.

The Stamp Act was met by marked opposition in all the Colonies, and in some of them the people adopted measures of injustice and violence.

It was determined on all hands that the stamps should not be landed, and that no one should hold the office of agent. Those who accepted were compelled to resign. It was in vain that these officials claimed exemption from all responsibility for the existence of the statute, or that they set forth as an excuse that if they did not perform the service other persons, less acceptable, would be appointed in their places. The people's ears were closed, there was no alternative but resignation.

In New York a gallows was erected in the park of the present City Hall and on it Governor Colden was hung in effigy; handbills were circulated warning those who sold or used stamped paper that their persons, houses and effects were in peril, and the house of Major James, the commander of the King's Artillery, was sacked by the mob and the colors of his regiment were carried away by the excited crowd.

Finally the stamp agent resigned and the stamps were delivered to the mayor and corporation of the city of New York, with the advice of His Majesty's Council, unanimously given, and the concurrence of the commander-in-chief of the king's forces.

In Boston the supporters of the ministry and of the Stamp Act were hung in effigy on a tree afterwards known as "Liberty Tree" which stood at the corner of Essex and Washington Streets. Oliver, the Secretary of the Province and stamp distributor, was frightened into resignation. Jonathan Mayhew, the minister of the West Church, preached a violent sermon against the Stamp Act and its supporters, and the

next day the house of the Governor was broken into and its contents were destroyed.

Apparently, the public sentiment condemned these violations of law and order, but the rioters, though known, were suffered to go unpunished.

The nature of the opposition to the Stamp Act is illustrated by the proceedings in Connecticut. Jared Ingersoll was appointed Stamp Master, and, immediately, he was required to resign. A friend, when endeavoring to conciliate the people said, "Had you not rather that these duties would be collected by your brethren than by foreigners?"

"No, vile miscreant, indeed we had not," said one, "if your father must die is there no defect in filial duty in becoming his executioner, that the hangman's part of the estate may remain in the family?" "If the ruin of your country is decreed are you free from blame in taking part in the plunder?"

"The act is so contrived," said Ingersoll, "as to make it your interest to buy the stamps. When I undertook the office I intended a service to you."

"Stop advertising your wares until they come safe at market," he was answered. "The two first letters of his name," said one, "are those of the traitor of old. It was decreed our Saviour should suffer; but was it better for Judas Iscariot to betray him, so that the price of his blood might be saved by his friends?"

After much equivocation and with the fear of death upon him Ingersoll shouted *Liberty and Property*, three times and then resigned his office. The mob spirit evoked by the Stamp Act soon subsided and a calm determined purpose of resistance took its place. Surrounded by these violent and exciting scenes the dejected ones said, "North American Liberty is dead." "She is dead," said those of more faith, "but happily she has left one son, the child of her bosom prophetically named Independence, now the hope of all when he shall come of age."

"I am clear on this point," said Mayhew, "that no peo-

ple are under a religious obligation to be slaves, if they are able to set themselves at liberty."

This was in 1765 and from that time forth the spirit and purpose of independence animated and controlled the representative men and the organs of public sentiment in every part of the country. It was during the existence of the Stamp Act and pending the measures of oppression which followed its repeal, that declarations were made and measures adopted of the greatest importance to the cause of American Independence.

It was then that Patrick Henry, speaking for the Assembly of Virginia declared "that every attempt to vest the power of taxation in any person or persons whatsoever, other than the said Assembly has a manifest tendency to destroy British as well as American freedom;" that he proposed by resolution that the Colony of Virginia be immediately put into a state of defence; and that a committee should be appointed to prepare a plan for embodying, arming and disciplining such a number of men as may be sufficient for that purpose; that in the memorable debate on the resolution, in the language if not with the spirit of prophecy, he declared it vain to indulge the fond hope of peace and reconciliation, that an appeal to arms and to the God of Hosts was all that was left; that John Morin Scott of New York said if the mother country deny to the Colonies the "right of making their own laws and disposing of their own property by representatives of their own choosing then the connection between them ought to cease and sooner or later it must inevitably cease;" that the Sons of Liberty of the City of New York as early as the seventh day of January, 1766, forecast the American Union in the declaration that "there was safety for the Colonies only in the firm union of the whole;" that the Assembly of New York declared that that "colony lawfully and constitutionally has and enjoys an internal legislature of its own, in which the crown and the people of this colony are constitutionally represented, and the power and authority of the said legislature cannot lawfully or constitutionally be suspended, abridged, abrogated, or annulled by any power, au-

thority, or prerogative whatsoever ;" that the committee of one hundred of the City of New York upon the receipt of the news of the massacre on Lexington Green resolved " that all the horrors of civil war would never compel America to submit to taxation by authority of Parliament ;" that the Assembly demanded " exemption from the burthens of ungranted, involuntary taxes as the grand principle of every free State," and as " without such a right vested in the people themselves there can be no liberty, no happiness, no security ;" that Mr. Jefferson said, " We want neither inducement nor power to declare and assert a separation ; we are reduced to the alternative of choosing an unconditional submission to the tyranny of irritable masters or resistance by force ;" that the county " of Hanover, Virginia, instructed its delegates to assent to such measures as would produce the hearty union of all their countrymen and sister colonies ;" that William Hooper, of North Carolina, early in 1774 declared that " the Colonies are striding fast to independency and will ere long build an empire on the ruins of Britain, will adopt its constitution purged of its impurities, and from an experience of its defects, will guard against those evils which have wasted its vigor and brought it to an untimely end ;" that the same State, the 12th day of April 1776, empowered its delegates to " declare independency ;" that Joseph Hawley of Massachusetts asserted that " independence was the only way to union and harmony ;" that General Greene in 1775 recommended a Declaration of Independence ; that Samuel Adams said, " I am perfectly satisfied of the necessity of a public and explicit Declaration of Independence ;" that the press of Philadelphia declared that " none in this day of liberty will say that duty binds us to yield obedience to any man or body of men, forming part of the British Constitution, when they exceed the limits prescribed by that Constitution ; that the Stamp Act is unconstitutional and no more obligatory than a decree of the Divan of Turkey ;" that the town of Boston said,—and may their words be remembered,—" We are not afraid of poverty, but we disdain slavery ;" that the county of Suffolk in 1774 resolved, " that no obedience is due from

this province to either or any part of the obnoxious acts ;" that Middlesex, speaking for the men of Lexington, Concord and Bunker Hill, said " we are sensible that he can never die too soon who lays down his life in support of the laws and liberties of his country ;" that the Continental Congress of 1774 sent forth its immortal remonstrances, memorials, manifestoes and addresses to the king, to Parliament, to the people of England, to the people of Ireland, to their brethren of Canada and to the Colonies of America ; that ancient hostilities were forgotten, that local barriers were broken down, the spirit of union fostered and the Colonies made one in purpose and in destiny ; and, finally, that the formal and authoritative Declaration of Independence introduced an era of Freedom, not for this country and people only, but, ultimately, for all who shall speak the English language.

Thus does it appear from this array of facts, gathered from an era of a century and a half, that the Independence of the American Colonies had a slow growth, but its progress was perceptible and from the year 1764 there could have been no ground for doubt as to the ultimate result. When the Declaration came the country was prepared to give it a substantial if not a united support.

The controversy and the contest were carried on by young men and by men in the meridian period of life. Jefferson was in his thirty-fourth year. Washington was his senior by only eleven years, and it is said of the signers of the Declaration that their average age was less than forty years.

It is a remarkable, but a well authenticated phenomenon in human history that when the minds of many men are directed to one subject they often arrive at similar results and find similar modes of expression. This peculiarity has been observed in purely scientific researches, and it is more probable that it should have existed in the controversy preceding the independence of these Colonies. It is not a marvel then, nor in disparagement of Mr. Jefferson or of the Congress of 1776, that the historian is compelled to admit that the Declaration of Independence is but the last and

best expression of the sentiment and purposes of Colonial America.

The rights and grievances of the Colonies had been set forth by the Congress of 1774; the doctrine of the equality of all men, not as a theory, merely, but in the substance of their natural, political rights, had been enunciated by Otis; and the citizens of Mecklenburg, North Carolina, had anticipated the Declaration of Jefferson and in some respects its exact language, and yet there is no reason to believe that the substance of the document was known to any member of Congress and there is much evidence that neither Mr. Jefferson nor any one of his colleagues of the committee was aware of its existence.

The great merit of the Declaration of Independence is in this: That it asserted with unrivalled precision and power what the country had resolved and what it was prepared to maintain. It proclaimed the natural rights of men; it embodied the history of Colonial America and it set forth the nature of the oppressions that the colonists had endured, the sacrifices they had made, the loyalty they had exhibited, their poverty and forbearance all crowned by a statement of their purposes in the future. The Colonies were represented by Mr. Jefferson of Virginia, Mr. Robert R. Livingston of New York, John Adams of Massachusetts, Dr. Franklin of Pennsylvania and Roger Sherman of Connecticut. The draft, as prepared by Mr. Jefferson was as remarkable for what was omitted finally, upon the suggestion of Georgia and South Carolina, as for what was preserved. As prepared by Mr. Jefferson and agreed to by the Committee the King of Great Britain was denounced for the crime of perpetuating the traffic in African slaves. In the year 1774 North Carolina resolved not to import nor purchase slaves: the County of Hanover, Virginia, had pronounced the African trade in slaves "most dangerous to the virtue and welfare of the country;" the Congress of 1774 had discountenanced the trade in slaves, and James Otis, with nervous eloquence, had denounced the whole system of human bondage.

As we turn from the consideration of the main theme of

the occasion a restatement of the leading thoughts may not be inappropriate :

1. When the colonists laid the foundations of their respective governments they asserted those doctrines of political and personal freedom which constituted, finally, the legal and moral basis of the revolution ; and although in their weakness they submitted to acts which in their view were oppressive they never recognized the authority of the British Parliament, but upon their records and during a period of nearly a century and a half they asserted and as far as practicable they maintained their independence as political organizations.

2. The laws which they annulled or evaded were enacted by an assembly whose authority they never acknowledged, and in which they were not represented.

3. Our fathers were careful to maintain their loyalty to the king as the sovereign of the British Empire and to perform all their duties as members of that Empire that the injustice of others might not have root in their own errors and wrongs.

4. The American Union did not originate in the present Constitution, nor even in the Articles of Confederation ; but it is elementary in the history of the country, and, as far as we can judge, it is essential to our form of liberty.

From 1643, when the Union was formed between Massachusetts, New Plymouth, Connecticut and New Haven for " their own mutual safety and welfare," with the name, *The United Colonies of New England*, there seems never to have been a moment when the idea of Union did not exist in the public mind. Union was the necessity of their weakness as it now is the emblem of our origin and the source of our strength.

I turn now from this array of ancient facts that in conclusion I may direct your thoughts to some of the possibilities of the future. We are now passing from the first to the second century of our national existence. In 1790 the United States had less than four million inhabitants, and in 1890 our population will be largely in excess of sixty million. We rank as the third nation on the globe, if we consider only

the number of persons dwelling upon contiguous territory, and in less than half a century we shall stand in the second place.

Our population is at least fifteen times as great as it was a hundred years ago, but we must not assume upon the same ratio of increase for the next century. Relatively there will be a decrease in the number of immigrants, and it is quite probable that the spirit of enterprise or the love of adventure will carry away the successors of our frontier population to Africa and South America, the continents of the future. At the present rate of increase our population in the year two thousand would exceed eight hundred million, and if the ratio of increase should fall to fifteen per cent. in each decennial period the census for the year two thousand will show an aggregate of about two hundred and eighty million. Whether so vast a population can be sustained within our present limits is a problem of the future, but for one I entertain no doubt that the sustaining force of the United States is adequate to the support of four hundred million inhabitants without any impairment of the enjoyments and comforts of social and domestic life. If we assume the habitable area of the United States to be two million and five hundred thousand square miles, an average population of three hundred to the square mile, the present average of the State of Massachusetts, would give an aggregate of seven hundred and fifty million souls. And our capacity may be further measured by considering the fact that if the present inhabitants of the United States could be transferred to the State of Texas the average would not exceed three hundred persons to the square mile.

And these statements even do not measure and limit the possibilities of comfortable existence on this continent. The diversification of human pursuits, due to science, art and a wise public policy, is making constant and appreciable additions to the capacity of this globe to sustain human life. The sixty million within our limits are better fed, better clothed, better housed than were the two and a half million who inaugurated the Revolutionary War.

Popular education enlarges the views and elevates the

aspirations of the masses of men and women, and it also increases their opportunities for advancement and comfort in life.

We may also rely with much confidence upon the simplicity of our system of land titles and the facility with which the soil may be conveyed from one party to another. With the increase of population and of wealth there will be an increasing tendency to make investments in land, and consequently there will be an ever increasing peril from agrarian controversies. These may be controlled in some degree if not averted altogether by taking security against the existence of land monopolies, and by limiting the possessions of business corporations, of educational, charitable and eleemosynary institutions, and of churches to such areas as may be necessary to the performance of the duties imposed upon them. In all countries the landless classes are the dangerous classes, and it is, therefore, a wise public policy to encourage the possession of land even though the holdings should be small and in value relatively insignificant. Every title deed is security for the public peace. By the fable of Antæus we are taught that whoever touches the earth becomes strong, and by experience we are taught that whoever owns the earth becomes quiet minded and patriotic.

Henceforth the attention of this country will be withdrawn from Europe by degrees, and it will be directed to Canada, Mexico, Central and South America and the Continent of Asia. In the arts and in manufactures Europe is our competitor, but, in these departments we are without a rival upon this continent. Our future greatness as a manufacturing and trading nation must rest chiefly upon the kindly dispositions of the Asiatic peoples, upon the development of this continent and the constant friendship of the states and communities between the two great oceans.

I am confident that we have, as a nation, passed the period when the maxim—"in peace prepare for war,"—was a necessary condition of our public life. First of all we should never indulge the thought of acquiring territory by aggressive means. Not that an honorable extension of the territory of the

Union would be unwise under all circumstances, but a war for the enlargement of our dominion would be an unjust war in the very nature of the case. Our position and influence in the affairs of the world, for all purposes consistent with the rights of other nations, depend no longer upon the exhibition of military force either upon the sea or upon the land. We are separated by vast oceans from the great powers of the world; our trade is so valuable that neither England, France nor Germany can forego its advantages for a single month; and our resources in men and in money are so ample that we may rely confidently upon the forbearance of those rulers from whom we may not be able even to command respect.

In this aspect of the future of the Republic I do not accept the opinion that a wise public policy requires us to enter upon the construction of a seagoing navy in competition with the great nations of Europe that exist only under the constant menace of war. Better will it be for us to employ our resources in the construction of small, fast-sailing steamships to be employed in the transportation of the mails to and from all the principal ports of Central and South America and the eastern parts of Asia, thus opening new avenues through which the enterprise and business of the country may have free course.

The time has passed when the fate or the fortunes of nations were dependent upon naval battles lost or won. For the future a war on the ocean is a war on commerce and for such a war the heavily armored vessels of great navies are worthless utterly. Let science and skill furnish such protection to our sea coast cities as science and skill can command, but let us abandon the thought of constructing great navies at a cost of tens of millions on tens of millions for anticipated war on the open sea, or as aids to the conquest of foreign lands. Let Republican America, warned and instructed by the lesson which downtrodden Europe teaches, enter upon its second century with the purpose of demonstrating the truth that a government in which the people rule may be at once peaceful, powerful and just.

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